

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION**

THE INDEPENDENT ORDER OF FORESTERS,

Plaintiff,

VS.

No.: 07-C-50242

**THE ESTATE OF SUSAN
COLDREN, and**

DUSTIN COLDREN

Defendants.

THE INDEPENDENT ORDER OF FORESTERS' MOTION FOR LEAVE TO DEPOSIT ITS ADMITTED LIABILITY

The Independent Order of Foresters (“Foresters”) by its attorneys, Donald A. Murday, Morgan J. Milner, and Chittenden, Murday & Novotny LLC, for its Motion for Leave to Deposit its Admitted Liability, states as follows:

1. As appears from this Court’s file and docket, Foresters filed its Complaint for Interpleader pursuant to 28 U.S.C. §§ 1335, 1397, and 2361 (2007) to resolve competing claims to life insurance proceeds payable under Certificate No. 4129885 (“Certificate”), owned by and insuring Marlin D. Coldren (“Insured”) with a face value of \$20,000.

2. Foresters seeks an order granting it leave to deposit its admitted liability in the total sum of \$20,000, representing the death benefit under the Certificate, into an interest-bearing account subject to further order of this Court indicating as to whom among the Defendants the admitted liability should be distributed.

3. Foresters seeks to deposit this admitted liability in accordance with the Order to Deposit Admitted Liability tendered herewith as Exhibit 1.

WHEREFORE, The Independent Order of Foresters respectfully requests that this Court grant its Motion for Leave to Deposit its Admitted Liability, in the form of the draft Order to Deposit Admitted Liability submitted herewith as Exhibit 1.

Respectfully submitted,

THE INDEPENDENT ORDER OF
FORESTERS

By: /s/Morgan J. Milner

Morgan J. Milner,
one of its attorneys

Donald A. Murday
Morgan J. Milner
CHITTENDEN, MURDAY & NOVOTNY LLC
303 West Madison Street, Suite 1400
Chicago, Illinois 60606
312.281.3600 (telephone)
312.281.36768 (facsimile)

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Certificate of Service

I, an attorney, certify that I served the foregoing Notice of Motion upon all attorneys of record as follows:

Theodore Liebovich, Esq
Liebovich & Weber, P.C.
415 S. Mulford Road
P.O. Box 6066
Rockford, IL 61125-1066

Dustin Coldren
402 Scott Street
Sweetwater, TN 37874-2720

by enclosing a copy in a sealed, correctly addressed, first-class postage prepaid envelope and depositing same in the U.S. Mail at 303 West Madison Street, Chicago, Illinois, prior to 5:00 p.m. on December 19, 2007.

s/Morgan J. Milner

An attorney

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